



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

PUBLIC HEARING: Jay Gallant, Heritage Home Carpentry, 137 South Quinsigamond Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Jay Gallant, Heritage Home Carpentry, 235B Cherry Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 137 South Quinsigamond Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 38 as Plot 132.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. O'Connell: My name is Gerald O'Connell.

Ms. O'Connell: Kelly O'Connell.

Mr. George: Just tell us what you'd like to do.

Mr. O'Connell: What we're looking to do is, where the house sits now, we're looking to extend that with an addition and knock down the existing garage and move that forward and away from our back lot line. I believe it's currently a 10 ft. setback that's required. We'll put a room above the garage. That's pretty much it. We'll also remodel the kitchen area and add a bath as well.

Mr. George: Do you have any plans that you can submit to us?

Mr. O'Connell: Not the most updated ones. Our contractor is supposed to be bringing them.

Ms. O'Connell: He's here now.

Mr. O'Connell: He's actually coming around the corner.

Mr. George: Would you just like to state your name for the record. We have an audio record.

Mr. Gallant: My name is Jay Gallant. I'm with Heritage Home Carpentry. I actually have updates on the packets that you guys have if you wouldn't mind if I passed them out.

(Mr. Gallant presented packets to the board members.)

As the O'Connells stated, the idea of the project, as you can see, is to just extend the existing house. The obvious hardship here is the buildable width of the lot with the two setbacks.

Mr. George: Excuse me for one second. Maybe the people in the audience would like to see that also. Just put it up on the board.

Mr. Gallant: Absolutely.

Mr. Alarie: Jay, we have a couple of easels here. Would it be easier to use those?

Mr. Gallant: If you wouldn't mind. Thank you.

I don't know if you guys were able to look at the existing garage, but it needs some sort of attention. Demolition would be the best way to go. So, that's what's being proposed. Obviously, it's very close to the existing side yard property line. It's 4 ft. here and under 2 ft. in the back. There's a little kind of back entrance to it. So, the idea's to get rid of that and to bring it closer to the street which will help both visually and in terms of how the house will lay out. Obviously, bringing the addition and the garage closer to the street helps to eliminate the side yard setback issue.

What we're proposing is to have the addition come 22 ft. out plus with the back side of the house and then enough space just for a backdoor for the O'Connells to get to their backyard. Then the garage would come out staying 3 ft. from the main street side of the house and set it back from the road 3 ft. beyond the house. It is generally just being configured so that there is a porch facing the street and a garage suitably facing the street as well. We're basically just using the layout of the lot to help generate the flow of the land. We're hoping that the board agrees that this is a good solution. We're trying to enhance the look of the house and enhance the usability of the space for the family.

Mr. George: So, the addition is going to consist of a two-car garage, a family room and is there another room in between?

Mr. Gallant: No. It's just an entrance.

Mr. George: Okay.

Mr. Gallant: It's just off of this porch. Graphically, there's a little bit. The stairs that you see are leading up to a room above the garage. This entrance here is just one step down just to help separate it from the rest of the room. That's all.

Mr. George: Do any board members wish to inquire?

Mr. Gordon: I just have a couple of small ones. The family room, the new family room, is that going to be two stories also or is that one story?

Mr. Gallant: Well, it's one story. There is the potential for a loft space off the room above the garage, but there would be only enough room for maybe a chair and a table because the roof is going to remain significantly below the roof of the existing house. It's not a true two-story space.

Mr. Gordon: The entryway to the garage is from the outside or inside?

Mr. Gallant: It's from inside. The idea is that the door leading from the garage to the house is in this entry vestibule area. We've got a door coming from the porch and a door coming from the garage into this one space.

Mr. Gordon: How will you get above the garage?

Mr. Gallant: Use stairs coming into the main family room.

Mr. Gordon: So, is that going to be living space up there?

Mr. Gallant: Well, future expansion.

Ms. O'Connell: We see it as being possibly a complete room in our home.

Mr. Gallant: Initially, it will be unfinished. This is a multiphase project. The first phase is to get the addition to eliminate the hazard with the existing garage and then to just give the occupants the space. They're going to expand the kitchen and then do the interior renovations.

Mr. Gordon: How large is the lot?

Mr. Gallant: It's 10,000 something square feet.

Mr. Gordon: Okay, so it's not large enough for a duplex? So, this could never become a duplex without a variance?

Mr. Gallant: No.

Ms. O'Connell: Correct

Mr. Gordon: Okay, I'm all set.

Mr. George: Are there any other questions?

Mr. Confalone: You're pulling a garage that's 2 ft. off of the property line and you're going ten feet. You're neighbors behind you must be pretty happy.

Mr. O'Connell: It's actually a two-family home which is actually to our side lot. So, it changes from time to time as to who is living there. I'm sure the owner of it is excited.

Mr. Confalone: It's rental property?

Mr. O'Connell: Yes, rental property.

Mr. George: How large is the addition, approximately how many square feet?

Mr. Gallant: Well, it's 22 ft. x 20 ft. so that's 220 sq. ft. plus the garage which is 24 ft. x 24 ft. So, it's one large room. If you count the room above the garage, it's probably 800 sq. ft.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Jay Gallant, Heritage Home Carpentry, 235B Cherry Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 137 South Quinsigamond Ave. maintaining the existing setbacks of said property.

The subject property is located at the corner of South Quinsigamond Ave. and May Street and is nonconforming with respect to its lot area and the front and side yard setbacks of the single family dwelling and detached garage situated thereon, respectively. The appellant proposes to remove the existing garage and to then construct a family room and two-car garage to the easterly side of their home. The addition would utilize the property's existing nonconforming front yard setback from May Street and would conform to all other dimensional controls set forth in Table II of the Zoning Bylaw.

Upon review of this appeal, the board noted that this lot is extremely narrow as it has only 60 ft. of depth along its May Street frontage. They also noted that the existing garage, which is located less than 2 ft. from its northerly side lot line, is in need of repair and would be demolished in conjunction with the construction of the addition. It was their opinion that the addition of the family room and attached garage, as proposed, would lessen the nonconforming features of this property, that the completed structure would conform to the general character of many of the homes located within this vicinity of the South Quinsigamond Ave. corridor and that its construction would not adversely

impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes

January 11, 2005

PUBLIC HEARING: Bernard and Colleen Connolly, 15 Phillips Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Bernard and Colleen Connolly, 15 Phillips Ave., Shrewsbury, MA, for a for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of a second story addition 25 ft. from the sideline Phillips Ave. upon property located at 15 Phillips Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 31 as Plot 91.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Connolly: Bernard Connolly.

Ms. Connolly: Colleen Connolly.

Mr. George: Please make your presentation.

Mr. Connolly: Well, quite simply, we have a single level ranch. I guess, quite simply, what we want to do is just go up with a second floor. In the simplest terms, that's it.

Mr. Confalone: It's over the existing footprint?

Mr. Alarie: Well, no. It's more or less similar to a lot of the special permit requests that we have to add a second floor. However, in this instance, they are coming out a foot towards the front. The existing setback is about 26 ft. That would reduce the front yard setback by a foot.

Mr. Confalone: I see. So, it's going to be an overhang?

Mr. Alarie: An overhang, right.

Mr. Gordon: But, the bottom floor's not going to have an overhang.

Mr. Connolly: No.

Mr. Gordon: Okay.

Ms. Connolly: Our goal is to make it look like a Garrison Colonial so that it will be a little bit here and then it will come out a foot and up.

Mr. George: Would you just like to circulate that plan to the board so that they can just take a peak at it?

Ms. Connolly: Sure.

(Mr. Connolly presented the plans to the board.)

Mr. Connolly: The second floor is the top and the first floor is the bottom.

Ms. Connolly: The other elevations are on the other pages as well.

Mr. Gordon: You're going to retain your bedroom downstairs?

Mr. Connolly: Absolutely.

Mr. Gordon: Okay. You're going to put the kids upstairs.

Ms. Connolly: Exactly.

Mr. Gordon: You're going to keep a single car garage?

Mr. Connolly: Yes.

Mr. George: So, you're just adding a second story?

Mr. Connolly: Exactly.

Mr. Rosen: So, for the sake of the one foot, that changes it from a special permit request?

Mr. Alarie: Yes. If it wasn't for that one foot extension, it would be a special permit application.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Bernard and Colleen Connolly, 15 Philips Ave., Shrewsbury, MA, for a for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of a second story addition 25 ft. from the sideline Phillips Ave. upon property located at 15 Phillips Ave.

The board reviewed the appellants' proposal to construct a second story addition to their home that would reduce their existing front yard setback by approximately one foot and found that, due to the size of the subject parcel and the location of the dwelling situated thereon, the literal application of the applicable terms of the Zoning Bylaw would impose an undue hardship to Mr. and Mrs. Connolly. They noted that many of the properties within this neighborhood were developed well before the institution of the current zoning and have varying nonconforming front yard setbacks. It was their opinion that, in this instance, the reduction of the existing setback by one foot at the second floor level would neither derogate from the intent of bylaw nor adversely impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes

PUBLIC HEARING: Scott Norton, 76 Lakeside Drive, Shrewsbury, MA.

PURPOSE: To hear the appeal of Scott Norton, 76 Lakeside Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of an addition 8 ft. from the sideline of Lakeside Drive upon property located at 76 Lakeside Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 51 as Plot 192.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Norton: Scott Norton. Can I distribute some pictures to the board?

Mr. George: You sure can.

(Mr. Norton distributed packets of pictures to the board members.)

Mr. Norton: I hope that I'm not in error, but I had talked to an architect about drawing plans. He advised me that I should see if I would get a variance prior to drawing plans of what we're doing. I'll certainly show you what I have. What I did is provide you with some pictures of the neighborhood to show what's in my neighborhood presently if you're not familiar with that particular area.

Because of the lot sizes that are on Lakeside Drive there are a lot of houses that have had to build towards the street, many of which are considerably closer than I'm going to be. Although the request is to go within 8 ft. of my plot it will still leave me 18 ft. from the edge of the street because my plot doesn't actually go right up to the edge of the street. If approved for the variance, the plan is to put a garage on the front of the house, two stories high and then marry the top end into the top of the house to add two additional bedrooms. Presently, there are two bedrooms upstairs.

Mr. Gordon: What will be under the bedrooms?

Mr. Norton: A garage.

Mr. Gordon: A garage under the bedrooms? Where would you come into your house then after that?

Mr. Norton: There will be a door that would go out the side of the house which actually is along an edge of the living room.

Mr. Gordon: The south side?

Mr. Norton: Correct.

Mr. Gordon: Okay, so towards 76, if there is one?

Mr. Norton: Towards 78.

Mr. Gordon: You're 78, aren't you?

Mr. Norton: I'm 76. Seventy-eight would be my neighbor.

Mr. Gordon: Then we don't have a picture of your house?

Mr. Norton: Correct. I did not take one.

Mr. George: So, in other words, you're going to have the garage as the first thing that you would come to with the garage doors in front?

Mr. Norton: Correct.

Mr. George: So, the front entrance is going to be to the right-hand side of the house?

Mr. Norton: The left-hand side.

Mr. George: The left-hand side of the house?

Mr. Norton: Right.

Mr. Gordon: Towards the 78 side?

Mr. Norton: Correct.

Mr. Gordon: Okay. I think that's north isn't it Ron?

Mr. Alarie: Based on the plot plan, yes.

Mr. Gordon: And the hardship is?

Mr. Norton: The hardship is because of the property. Number one, the width of the property. There is nowhere to go sideways. At the very end of the present structure when you go out the back door, there's a 35 degree embankment going down towards the lake. There is no direction to go with any addition to the present house the way it is.

The other issue that I see, as far as helping with my neighbors, is that one of the first things that I had to do was stick a shed on my driveway so that I had somewhere to put lawnmowers and snow blowers and those kinds of things. I feel bad putting it there because I know that my neighbors directly across the street like to leave their doors open and have a straight shot view of the lake which I'm now obstructing with a shed. That would go away forthwith.

Mr. George: Would you be obstructing their view with the addition onto the house?

Mr. Norton: No, I don't believe so because it wouldn't be any taller than the present structure. It wouldn't be any wider than the present structure so the views on both sides of the house would still remain as open as they are at present.

Mr. Gordon: So, the hardship is the topography of the land, the slope in back?

Mr. Norton: Correct.

Mr. Gordon: You can't build in back and, with the width of the lot, you can't build on the sides?

Mr. Norton: Correct.

Mr. Gordon: So, this is basically the only place you can build?

Mr. Norton: Correct.

Mr. George: How large is the house right now and how big of an addition do you wish to build?

Mr. Norton: The house presently, on the main floor, is approximately 875 sq. ft., I believe. It's two stories so about 1,650 total or somewhere right in there.

Mr. Gordon: This will add how much?

Mr. Norton: This would add 22 ft. x 34 ft.

Mr. George: About another 700 sq. ft. then?

Mr. Norton: Yes.

Mr. Confalone: The second story is like the other houses here. It's like a Cape-style?

Mr. Norton: It is Cape-style, right. My other consideration, without drawing up the architectural plans, is that we would tear the other roof off to gain the extra 150 ft. that you loose with that slope on a Cape and then actually put a pitch on it.

Mr. Confalone: So, you'd want to join it into the existing house and blend it into the existing roofline?

Mr. Norton: Correct. There will be only one roofline.

Mr. Confalone: Can this be taken care of in this hearing or does he have to come back for that?

Mr. Alarie: No, that would be part and parcel to this hearing.

Mr. Confalone: Okay.

Mr. Gordon: This is the neighborhood where we allowed, on the other side of the street, two large additions. I think they tore down one of the other houses and rebuilt it into a garrison and then they put a garrison right next door to it. In fact, they've been doing it all up and down that street.

Mr. Norton: Yes. It's been done on several of the lots.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Scott Norton, 76 Lakeside Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of an addition 8 ft. from the sideline Lakeside Drive upon property located at 76 Lakeside Drive.

Upon reviewing the size and shape of subject lot, the proposed expansion and the configuration of several of the other properties within this neighborhood, the board concluded that the literal application of the dimensional requirements set forth in Table II to this parcel would impose a substantial hardship to the appellant. They noted that, although the addition would be constructed to within 8 ft. of the easterly sideline of Lakeside Drive, it would be located about 18 ft. from the actual edge of the paved way and it was their opinion that, in this instance, the granting of the relief requested would not seriously depart from the intent of the Zoning Bylaw or adversely impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes

PUBLIC HEARING: John M. Crowton, 8 Hazel Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of John M. Crowton, 8 Hazel Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of a garage 17 ft. from the sideline Hazel Ave. upon property located at 8 Hazel Ave. The subject premises is described on the Shrewsbury Assessor's Tax Plate 7 as Plot 25.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I. Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Crowton: John Crowton. I don't have any plans for it right now. We have a small garage. It's 14 ft. x 20 ft. now. It's difficult to get a car in there and have any kind of

storage. So, I just wanted to take that down and come out 2 ft. forward towards Hazel Ave. and make it 3 ft. wider. It would be about 17 to 18 ft from the road.

Mr. Gordon: This is still going to be a stand alone garage?

Mr. Crowton: Yes. It's not going to be hooked to the house.

Mr. Confalone: You're tearing the existing garage down?

Mr. Crowton: Yes. It really can't be rebuilt. I've had a couple of people look at it. They said that it's really bad.

Mr. Alarie: If you look at the condition of the garage, it's beyond it's time. I don't believe that it has a stable foundation.

Mr. Crowton: It's tired, yes. It's tired and narrow.

Mr. George: It's going to be a one-car garage or two?

Mr. Crowton: Well, it'll be a one-car garage but a little wider.

Mr. Gordon: You're going to put gardening stuff in there and that type of thing?

Mr. Crowton: Right. I don't know what the standard size is for a garage, but I'm sure that it's bigger now than when they built this one.

Mr. George: Do you have any pictures?

Mr. Crowton: Well, I've got a couple that show the existing garage right now.

(Mr. Crowton presented the pictures to the board members.)

Mr. Gordon: I was there this morning. Your neighbor wondered what I was doing.

Mr. Crowton: I don't know what the restrictions are. I'm not going towards the side property line, jut forward. If I understand it right, I need the variance because I'm coming closer to the street.

Mr. George: Could you give us a dimensional size of the garage that you'd like to build so that we'll have it in the record so that we could go back to it if we have to?

Mr. Crowton: Yes. Without going to an architect, my dimension might be off, but it will be 17 ft. wide. I would like it to be 17 ft. wide and 22 ft. long. I can't go to the rear because, if you look at my plot plan, there's a pool there.

Mr. Alarie: Actually, if you look at the front of the house, the dimension that you have for the existing setback to the left corner is 20 ft. but there is actually a full extension that

comes out the front corner of the house that projects about 2 to 3 ft. closer to the street. The garage is more or less in line with where that extension is.

Mr. Rosen: Is there an issue, Ron, with how close it is to the pool?

Mr. Alarie: No. We changed the bylaw and we don't have any setback from a structure to a pool.

Mr. Crowton: I think I got a variance for that anyway, years ago.

Mr. Alarie: Actually, you probably did it because, way back when, we had a minimum of 10 ft. setback from the pool to the house or any other structure.

Mr. Gordon: Yes.

Mr. Alarie: We changed the bylaw so that you could, more or less, put the structure or the pool attached to the structure. There's no such setback currently.

Mr. Confalone: So, it's going to be on the left side. It'll be the same except that it's going to grow like 3 ft. towards the house?

Mr. Crowton: Yes, towards the house.

Mr. Gordon: That's about a 12 ft. road. It's well plowed.

Mr. Crowton: It's well maintained by the people on the street.

Mr. Alarie: It's a private street.

Mr. Crowton: It's a private street. We paved it.

Mr. Gordon: Sort of like Ira Ave?

Mr. Crowton: Yes.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of John M. Crowton, 8 Hazel Ave., Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-2 District, to allow the construction of a garage 17 ft. from the sideline Hazel Ave. upon property located at 8 Hazel Ave.

Upon review of this appeal, the board noted that the subject premises was developed well before the adoption of the dimensional requirements set forth in Table II of the Zoning Bylaw and is nonconforming with respect to its size and the siting of the dwelling and detached garage situated thereon. It was their opinion that the removal of the existing garage, which is rather small by today's standards and is in need of repair, and its replacement with a new structure placed just a few feet closer to the sideline of Hazel Ave. would not materially change the configuration of this property. They noted that Hazel Ave. is a private dead-end street with just one additional residence located beyond this parcel and found that, in this instance, the granting of the relief requested would neither derogate from the intent of the bylaw nor create any condition which would adversely affect the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes

PUBLIC HEARING: Anthony F. Carter, 48 Sias Ave., Shrewsbury, MA.

PURPOSE: To hear the appeal of Anthony F. Carter, 48 Sias Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 48 Sias Ave. maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 32 as Plot 537.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Carter: My name is Anthony Carter, 48 Sias Ave. My intention is that I would like to reconstruct an old one-car garage so that I can have a two-car garage. I would like to set it back a little further from the road than it is now and also attach a family room between the house and the garage. In my drawings, I put down the dimensions that I would like to be able to follow. The garage would set back around 23 ft. and the family room set back 28 ft.

Mr. Gordon: What are the sizes of the rooms them selves? Do you know?

Mr. Carter: The size of the room will be, I'm going to say, 16 ft. x 20 ft.

Mr. Gordon: And the garage?

Mr. Carter: The garage will be maybe 24 ft. x 24 ft. allowing 10 ft. to the right.

Mr. Gordon: That's okay for the side yard as this is a corner lot. What are you going to do with the bulkhead?

Mr. Carter: I'm going to put it around on the back of the house.

Mr. Gordon: On the back of the house towards your neighbor on Sias Ave.?

Mr. Carter: Yes. You'll be looking at it from Sias Ave.

Mr. Gordon: Okay. As I understand it, these are only going to be one-story? There's nothing above the garage, nothing above the family room?

Mr. Carter: Nothing above the family room.

Mr. Gordon: Okay.

Mr. Carter: I may have crawl space above the garage utilizing the peak area.

Mr. George: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition?

Mr. Gordon: How old is your house? It's very, very well kept. How old is your house?

Mr. Carter: They say that it was built in 1917. Do you know the house?

Mr. Gordon: Yes, with the stone basement and all of that.

Mr. Carter: Yes, it has a stone basement.

Mr. Gordon: This will make it even better.

Mr. George: You took down some big trees already, didn't you?

Mr. Carter: I took the trees down, yes. I have pictures of that if you'd like to see them.

Mr. George: Why don't you circulate them.

(Mr. Carter presented the pictures to the board members.)

Mr. Carter: This is the existing garage now. This is a view that I'm trying to eliminate.

Mr. George: That's your next door neighbor, right?

Mr. Carter: Yes.

Mr. George: What is this? Is this something that you're trying to do?

Mr. Carter: Yes. That has just been built in our neighborhood. It's a three-car garage and it sets back about 20 ft.

Mr. George: So, is this basically what you want to try and do? It's something like that?

Mr. Gordon: Except that yours is going to be a two-car garage?

Mr. Carter: Mine will be a two-car, right. He sits back less than the 30 ft. that you require. I thought that I would just mention that.

Mr. George: Does your house face this way and the garage will be facing out?

Mr. Carter: Yes. My house faces Sias Ave.

Mr. Gordon: The garage faces Tatum Road.

Mr. Carter: Tatum Road, right.

Mr. Confalone: So, you're facing this way?

Mr. Carter: Yes. Here's another look at the garage.

Mr. George: This is the one that you have right now?

Mr. Carter: Yes.

Mr. Confalone: So, that garage is coming down and you're putting a new one up.

Mr. George: What type of materials are you going to be using on this, the same as what you have? Is there vinyl siding right now or is it cedar clapboards?

Ms. Carter: No, it will be vinyl siding when we get through with it.

Mr. Gordon: The whole house?

Ms. Carter: You're going to finish it all in vinyl?

Mr. Carter: Yes.

Mr. Gordon: Could you just tell us your name?

Ms. Carter: Joan Carter, 48 Sias Ave.

Mr. Gordon: Thank you.

Mr. George: So, now you know that you're doing it in vinyl siding.

Ms. Carter: Now I know that he's doing it in vinyl siding.

Mr. Carter: I think that, when we're all done with this, it will be vinyl.

Mr. George: Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Anthony F. Carter, 48 Sias Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 48 Sias Ave. maintaining the existing setbacks of said property.

The appellant's property is located at the corner of Sias Ave. and Tatum Road upon which sits a single family dwelling and a detached garage. Both structures have a nonconforming front yard setback along the lot's Tatum Road frontage. Mr. Carter proposes to remove the garage and to then construct an addition to the southerly side of his home that will include a family room and an attached two-car garage that will increase the existing setback from approximately 18 ft. to 23 ft.

The board concluded, after reviewing the plot plan and the architectural plans presented by Mr. Carter, that the construction of the proposed addition would not detrimentally impact the welfare of area residents or materially change the nonconforming features of this property. They noted that the Fairlawn neighborhood consists of many lots that do not conform to the bylaw's current minimum size requirement for this district, a number of which are only 5,000 sq. ft. in area, and that the subject parcel is one of the larger plots therein. It was their opinion that the issuance of the special permit was in concert with the intent of the Zoning Bylaw regulating the expansion of such buildings and structures and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes

PUBLIC HEARING: Apple Spice New England, Inc., 810 Boston Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Apple Spice New England, Inc., 204 Houghton Mill, Lunenburg, MA, for a variance to the Town of Shrewsbury Zoning Bylaw,

Section VI, Table I, to allow the serving of food within part of the building that is situated upon property located at 810 Boston Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 35 as Plot 25-1.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Alfred C. Confalone, Ronald I Rosen, Peter D. Collins and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on December 27, 2004 and January 3, 2005.

Mr. George: Please identify yourself for the audio record and make your presentation.

(Atty. Byrne presented information packets to the board members.)

Atty. Byrne: Mr. Chairman and members of the board, my name is Kevin Byrne. I am an attorney. My office is in Worcester. I live across the street on Elma Circle. Let me introduce to you Kim Ferguson who lives at Houghton Mill in Lunenburg, MA, and who is the principal of Apple Spice New England, Inc.

Let me tell you a little bit about what Kim has in mind for the property located at 810 Boston Turnpike. That's one of the three buildings which comprise Shrewsbury Central Park. I think you all know where it is as you go up Route 9 on the right-hand side. Kim has a new and exciting venture that she's been working on for several years. As I said, she's from Lunenburg. She's been there for thirteen years. She's married and she has, God help us, five children, two of whom are still in high school, one in college and two that she's finally gotten through. What Kim found several years ago when she was looking for a venture to get involved with, was an operation called Apple Spice Junction, which is basically a box lunch and delivery food service business. About 85 to 90 % of Kim's business, hopefully at this site with your approval, will be the preparation of food on-site and the delivery of it, in effect, a catering service. In terms of services, she will be preparing box lunches, meals, sandwiches and, as you can see in some of the packages that I've given to you, some things that get a little more elaborate than that. In terms of those items, Kim and her then staff being able to go out and to do barbeques and things of that nature off site.

She's a franchisee in this operation with the corporate office out of Salt Lake City, Utah. Part of the operation is kind of the requirement of the Apple Spice franchisees. This is the first one in the New England area. The closest one is in Princeton, New Jersey. Basically, they look for a site that's on a busy, trafficked highway in an office park concept or office park area as such. When she found the 4,250 sq. ft. of space that was available at 810 Boston Turnpike, it hit her as absolutely perfect for her needs. It's in this business central park concept area in and of itself. She's entered into a lease arrangement with Shrewsbury Central Park Associates to rent this space, to do the renovation and do the work that's going to be done for it.

This is in a building that contains almost 33,000 sq. ft. It's 32,883 sq. ft. At the moment, 24,000 sq. ft. of that building is being utilized as warehouse space and 4,550 sq. ft. of it is being utilized as office space. In fact, it's Rod St. Pierre's office that's in part of the area that's there right at the present time. Bearing in mind that the space is available to her, what Kim had in mind was basically to lease the space to do this food service, catering, delivery kind of business, but to utilize a portion of that space, I can't remember exactly how much, but a little more than 1,000 sq. ft. of that space as an eat-in kind of restaurant food service kind of operation. Part of what we presented in our application to you was a layout of the physical plan of the facility itself.

Mr. George: So, basically, it's about seven tables? Is that what is planned?

Atty. Byrne: Yes, that's exactly right.

Mr. Gordon: Seating for 28?

Atty. Byrne: Yes, yes. I asked the question "Why 28?" and she said because we measured off the space and that's basically what fits in there. There's no magic to that amount. She really expects that that's going to be a very minimal aspect of her business. So, though we're asking for permission, not only to do food service to be delivered off premises, but to have this available in case folks who are in that particular area want to come in and sit down and have a sandwich or whatever.

Her hours of operation are Monday through Friday, seven to four, and no weekends. This would be strictly a lunch kind of business in terms of what's served on-site. Even the food preparation itself is going to be done within this seven to four operation, Monday through Friday.

Mr. Gordon: Is that what it is, only lunch? You won't be doing any breakfast?

Atty. Byrne: Well, she may be talking about doing a little of that. She said 8:00 and I said "Why don't you make it 7:00? in case you want to do coffee and bagels and somebody in that area wants to walk over and do coffee and bagels?" Basically, it's a very minimal breakfast operation and maybe some sandwich lunch kind of business.

Mr. Gordon: It's going to be cafeteria style? Is that what it is or is it going to be sit down and you would be waited on?

Ms. Ferguson: No.

Atty. Byrne: No, it's come up to the counter, correct Kim?

Ms. Ferguson: Yes.

Mr. Gordon: It's cafeteria style.

Mr. George: I know that you said that there are no weekend hours. I see this catering here. Do you do any catering on weekends?

Atty. Byrne: That would be off-site.

Ms. Ferguson: Can I address that?

Atty. Byrne: Sure.

Ms. Ferguson: The model is that you're catering to businesses so it's business hours, breakfast meetings, luncheon meetings. You could occasionally be catering if someone was having a Friday night barbeque and it would be business. You wouldn't be doing things like weddings, as such.

Mr. George: Okay.

Ms. Ferguson: Maybe in the summer they would have a summer barbeque and you would actually go to their site and cook.

Mr. George: So, will you be at this premises on the weekends to prepare any of this food?

Ms. Ferguson: You could be there to prepare, but the deli would not be open for anybody to come in and eat.

Mr. George: You won't be open then?

Ms. Ferguson: No.

Mr. George: The hours of operation for the public are seven to four, correct?

Ms. Ferguson: That's correct.

Mr. Gordon: The hours of operation for the back room?

Atty. Byrne: What hours do you think you would be in the food prep aspect?

Ms. Ferguson: You could have something on a Monday, Tuesday, Wednesday. You could have something on any evening. You could have a Saturday or a Sunday, but it won't be all of the time.

Mr. Alarie: If you didn't have the seating providing retail service to the general public, just the mere cooking and preparation of the food for off-site distribution, that would be permissible in this district. That's really not the issue; it's really that dining that does not conform.

Mr. Gordon: It's the 28 seats.

Mr. Confalone: And that's going to be closed on weekends.

Ms. Ferguson: The goal of the model is to be an amenity to a business park, not to be drawing people in from outside. It's just to be an amenity to the park and then to be going out and selling to other business.

Atty. Byrne: It's in a Limited Industrial Zone, obviously not a permitted use per our bylaw in terms of that restaurant aspect of it. But again, it's a real minor use of that area at 4,250 sq. ft., a real small amount of the primary aspect of her operation.

Mr. Gordon: Will you be requiring a sign at a later time?

Atty. Byrne: I think the sign on the building probably would be appropriate.

Ms. Ferguson: It will be like this. There will be a sign on the building.

Mr. Gordon: What about Office Innovations? Are you taking some of that space or are you beside that space?

Atty. Byrne: No. I think that's in the next building.

Mr. Alarie: No. They're on the westerly side of this building. Office Innovations is to the east side. They're on the opposite side.

Mr. Gordon: They're going to be on the west side?

Mr. Alarie: Correct.

Mr. Gordon: So, beyond Rod's office?

Mr. Alarie: Correct.

Mr. Confalone: What was this used for prior to you moving into it?

Atty. Byrne: Nothing. It's been vacant for three years.

Mr. Confalone: What is it, like a warehouse at one time?

Atty. Byrne: No. It's now conformed as office space, but it's been unused office space for a three year period of time. Rather intriguingly, one of the issues that I had and Ron and I looked at the original cut of the layout plan for this, which I think was in 1983 or 1984, is that the entire building was setup to be office space in terms of the available parking. So, the 83 parking spaces that are available there are there because that 33,000 sq. ft. was cut up into one per 400 sq. ft. I think it's one per 400 sq. ft. It's never been used. Maybe they're not be pleased about it, but it hasn't been office use as some time.

So, what Kim is going to have to do when she goes in is to do a lot of renovation, take down some partitions and the rest of the stuff that's there. What I've also suggested to her is, obviously, at some point, that we're going to have to do the Board of Selectmen for a Common Victualler's License. I have introduced her to Nancy Allen with whom

she's going to have to discuss all of the nitty-gritty of food service and equipment and all of that sort of stuff.

Mr. George: Is this a new concept or has this been around for a while?

Ms. Ferguson: Apple Spice Junction in Utah has been around for sixteen years. Two years ago January, they decided to franchise. What they did was they sold off states or master territories. We actually bought the rights to develop Vermont, New Hampshire, Maine and Massachusetts. So, there are probably six or seven stores open at this time. For instance, New Jersey was the very first to buy into the concept. They've already sold thirteen sub-franchises. They have three stores open so far.

Mr. Gordon: Hopefully, they will continue to be successful.

Ms. Ferguson: Hopefully.

Atty. Byrne: Part of what is included in your package, we laughed about it when I saw it the other day, was the franchise information. So, if any of you are interested in being a franchisee, Kim would be more than willing to talk with you.

Mr. Gordon: How long is the term of your lease?

Atty. Byrne: Ten years with a five year option.

Mr. Rosen: How many people will be employed here?

Atty. Byrne: Ten. Part of the deal is that, hopefully with this approval, the next thing that she does is to, obviously, talk to the other folks here in the community. She goes out to Utah for what, three weeks? Oh, the other thing that's important is that she's got a wonderful lady that's got twenty years of restaurant food service experience who's now presently at the Crown Plaza. Can we mention her name?

Ms. Ferguson: Yes.

Atty. Byrne: Okay. Her name is Roberta Ballou, who's been at Crown Plaza. So, she's got a solid lady. Kim and Roberta are going to Utah, hopefully when the weather is a little better.

Mr. Gordon: The weather out there is beautiful for what they do.

Atty. Byrne: Then these folks will come in once this is kind of up and ready to go. These folks will come in from Utah and spend a period of time orienting and focusing on the operation of the business. It sounds like an interesting new concept.

Mr. Gordon: I have another question, if I might. Where this is a limited industrial area, the businesses operate, what, seven to three or seven to seven, the other businesses in the area?

Atty. Byrne: I'm working under the assumption, and I really don't know, but I assume they're kind of a nine to five operation or an eight to four kind of operation.

Mr. Gordon: Well, if they're industrial though, the fellow in the back, the auto place, he's probably an eight to four or five. Solelectron, in the back, they probably have a seven o'clock shift. What I was wondering is, if the board would think of normal shifts as starting at seven in the morning, that we might want to consider that this be able to open at six if it was going to do bagels and lox so that you'd have the benefit of being open an hour before they were open. You don't have to use it, but that's what I was wondering.

Mr. George: I have no problem with that.

Mr. Confalone: No.

Mr. Rosen: That's fine with me.

Mr. Gordon: You have a lease for ten years with a five year option. A variance can be granted with a time limit so long as it's not to run with the property, right Ron?

Mr. Alarie: It can't be restricted to a person, it runs with the property.

Mr. Gordon: It runs with the property? But a variance does run with the property, not the person?

Mr. Alarie: Correct.

Mr. Gordon: So, we could give a fifteen year time limit for the variance on this property so that, if somebody else came in, they would have to come before us?

Mr. Alarie: That's correct.

Mr. Gordon: Would you have a problem with that?

Atty. Byrne: No.

Mr. Gordon: I'd be more comfortable because we know you.

Atty. Byrne: Why would we have a problem with it?

Mr. Gordon: I know. You know, we know you and you've appeared before us, but let's assume that someone else wanted to do it. I think everybody would want an opportunity to look at them.

Atty. Byrne: Sure.

Mr. George: If the person who's leasing the property after ten years decides that maybe he doesn't want this operation anymore and wants to sell it, we might want that person to come in.

Mr. Gordon: It goes with the property.

Mr. George: It goes with the property.

Mr. Gordon: Not with the person. So, if you want to make it a shorter time, we could see how it works out.

Ms. Ferguson: I have a fifteen year contract so I don't think I'm going anywhere.

Atty. Byrne: This is consistent with her franchise agreement with Apple Spice Junction.

Mr. Gordon: So, five and five and five at least?

Atty. Byrne: Ten and five.

Mr. Gordon: Length of lease, minimum five years and one or two five year options?

Ms. Ferguson: Right, but we selected ten years with a five year option.

Mr. Gordon: Fine with me.

Mr. George: Are there any other questions from the board members? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On January 11, 2005, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Apple Spice New England, Inc., 204 Houghton Mill, Lunenburg, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the serving of food within part of the building that is situated upon property located at 810 Boston Tpke.

The subject premises is located within Shrewsbury Central Park, a complex of four buildings that were constructed in the mid 1980's that are presently occupied for office, warehousing and manufacturing activities. The appellant proposes to lease approximately 4,200 sq. ft. of the front westerly corner of the 810 Boston Tpke. building, which has a total gross floor area of just over 33,000 sq. ft., and to develop a commercial kitchen therein. Apple Spice Junction's primary business plan involves the delivery of prepared meals to corporate sites and to cater business functions at such locations. As an ancillary component of their business, they desire to establish a small café within their leased area that would provide seating for approximately 28 patrons.

Upon review of this appeal, the board noted that the vast majority of the properties situated along the Route 9 corridor that were industrially zoned were rezoned at the 2004 Annual Town Meeting to Commercial Business. However, this site was omitted from that process due to its predominance of industrial and warehousing use. They further

noted that this particular building is occupied more for office and related purposes and that the 4,200 sq. ft. area in question has remained vacant for over three years. It was the board's opinion that, where the predominance of the proposed business is permissible within the Limited Industrial District and with the dining area only operated on a limited basis, the granting of the relief requested would neither nullify nor derogate from either the intent or the purpose of the Zoning Bylaw. They found that both aspects of this business would compliment and would be compatible with the other businesses located within the park as well as those in the immediate vicinity of this site and that the cafe would also provide a beneficial service to those traveling the Route 9 corridor. They concluded that the issuance of the variance would not create any condition that would be harmful or injurious to the welfare of the general public and, therefore, unanimously voted to grant the appeal subject to the following stipulations:

1. The hours of the operation of the retail dining facility shall be limited to those hours between 6:00 A. M. and 5:00 P. M., Monday through Friday. There shall be no on-site serving or the retail sale of food products on Saturdays or Sundays from the subject premises.
2. The rights authorized by this granting shall remain in effect for a period of 15 years, said period commencing upon the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes
Mr. Collins	Yes